

hour for the Senate to go into executive session on the above appointments.

BILLS ON SECOND READING.

The Chair laid before the Senate

Senate bill No. 6, a bill to be entitled "An act to prescribe the time when suits for personal injuries, and for injuries resulting in death, shall be instituted; and to fix the period of limitation in such action."

Bill read second time, and,

On motion of Senator Burns, further consideration was postponed and the bill made special order for Monday, January 25, after call.

The Chair then laid before the Senate

Senate bill No. 8, a bill to be entitled "An act to amend article 2526 of the Revised Civil Statutes of Texas, relating to juries in cases of forcible entry and detainer."

Bill read second time.

By Senator Lewis:

Amend. by adding after the word "trial," in line 13, the words "and before the parties announce ready for trial."

Adopted.

By Senator Tillett:

Amend by substituting the word "commanding" for the word "demanding," last word of line 15.

Adopted.

The bill was then ordered engrossed.

The Chair laid before the Senate

Senate bill No. 42, a bill to be entitled "An act to amend chapter 3, of title 40, of the Revised Civil Statutes of Texas, by adding thereto article 2293a, relating to the deposition of parties."

Bill read second time.

By Senator Lewis:

Amend by adding after the word "officers," in line 19, the following: "And any agent or employe of such corporation whose contract, act, or conduct forms the basis of the suit in which the deposition is taken."

Adopted.

By Senator Dibrell:

Amend by adding after the words "officer," in line 20, the words "agent or employe."

Adopted.

The bill was then ordered engrossed.

By consent, Senator Dibrell offered the following:

It is fitting for the people, through their accredited representatives, to express regret for the loss of a faithful and distinguished advocate of their cause. The death of the late John

Ireland, who served the people of Texas in the capacity of Representative, State Senator, Supreme Judge, and Governor, merits universal regret. On the one hand he was as near the common people as any public man ever entrusted with office in this State, and on the other, the peer of any in legitimate imperialism. He was at the same time a public servant and master of all he surveyed. His education was the rich endowment of nature, supplemented by arduous toil. Among ten thousand he bore the impress of greatness.

The people of Texas as recompense for the faithful and eminent public service rendered them by this great man have not bestowed more than he deserved, and they would be ungrateful not to cherish the memory of his fidelity, his honesty, his patriotism, and distinction as a statesman, jurist and citizen.

Therefore, be it resolved, That the people of Texas do heartily concur in the foregoing expressions of fact and regard.

Resolution read, and

On motion of Senator Woods unanimously adopted by a rising vote.

By Senator Ross:

Whereas, Since the Legislature last met in regular session, Gen. Samuel Bell Maxey, a distinguished statesman, soldier, and lawyer, has died; therefore be it

Resolved by the Senate, That in the death of General Samuel Bell Maxey, who was elected at one time a member of the Senate of Texas, and who was a distinguished lawyer and Confederate soldier, and who served Texas faithfully in the United States Senate for twelve years, Texas has lost a great statesman and patriot and one whose memory and works the people of this State will always revere and appreciate.

Resolution read, and

On motion of Senator Burns, adopted unanimously by a rising vote.

On motion of Senator Dibrell, the Senate adjourned until 10 a. m. tomorrow.

NINTH DAY.

Senate Chamber,
Austin, Tex., Friday, Jan. 22.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the fol-

lowing Senators answering to their names:

Boren.	Morriss.
Bowser.	Neal.
Burns.	Ross.
Colquitt.	Stafford.
Darwin.	Stone.
Dibrell.	Terrell.
Goss.	Tillett.
Gough.	Turney.
Harrison.	Wayland.
Kerr.	Woods.
Lewis.	Yantis.
Linn of Wharton.	Yett.

Absent.

Atlee.	Presler.
Bailey.	Rogers.
Beall.	

Excused.

Greer. Linn of Victoria.

Prayer by Rev. Dr. Mitchell of Tyler.

Pending the reading of the Journal of yesterday,

On motion of Senator Yantis, the same was dispensed with.

On motion of Senator Stone,

Senator Yett was excused indefinitely, on account of sickness in his family.

On motion of Senator Rogers,

Senator Bailey was excused for today and tomorrow, on account of important business.

On motion of Senator Turney,

Senator Beall was excused for the remainder of the week, on account of sickness.

On motion of Senator Boren,

Senator Atlee was excused indefinitely, on account of sickness.

PETITIONS AND MEMORIALS.

By Senator Rogers:

Memorial of Hardy W. B. Price, a veteran of the Texas Independence war, praying for relief.

Read and referred to Committee on State Affairs.

The following message was received from the House:

House of Representatives.

Austin, Texas, Jan. 22, 1897.

Hon. George T. Jester, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 8, "An act to amend chapter 6, art. 400, of the Penal Code of the Revised Statutes of the State of Texas, relating to the sale of spirituous, vinous or intoxicating liquors to minors."

LEE J. ROUNTREE, Chief Clerk.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, Jan. 21, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 16, a bill to be entitled "An act to amend article 1942, chapter 8, title 39, of the Revised Statutes of the State of Texas of 1895."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the following amendments:

First. By adding to the caption, "Relating to bonds of administrators and executors and sureties thereon."

Second. By adding to section 1 the following: "And provided further, that the county judge shall not accept or approve any bond signed by any such corporation as surety, unless such corporation has complied with all the provisions of title XXI, chapter 16, Revised Civil Statutes of Texas, or other laws governing such corporations."

Third. By adding to section 1, after the word "State," in line 5, on the second page, "or foreign corporations permitted to do business in this State."

Fourth. By striking out section 2.

And thus amended, recommend that it do pass.

All of which is respectfully submitted.

LEWIS, Chairman.

Committee Room,

Austin, Texas, Jan. 21, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 15, a bill to be entitled "An act to amend article 2601, chapter 6, title 51, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the following amendments:

First. By adding to the caption, "Relating to bonds of guardians and sureties thereon."

Second. By adding to section 1 the following: "And provided further, that the county judge shall not accept or approve any bond signed by any such corporation as surety, unless such corporation has complied with all the provisions of title XXI, chapter 16, Revised Civil Statutes of Texas, or other laws governing such corporations."

Third. By adding to section 1, after the word "State," in line 28, "or for-

eign corporations permitted to do business in this State."

Fourth. By striking out section 2.

And thus amended, recommend that it do pass.

All of which is respectfully submitted.

LEWIS, Chairman.

Committee Room,

Austin, Texas, Jan 21, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 60, a bill to be entitled "An act to amend article 1180, title XXX, chapter 1 of the Revised Civil Statutes of the State of Texas, relating to the institution of suits on holidays and on Sunday,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

LEWIS, Chairman.

Committee Room,

Austin, Texas, Jan 21, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 47, a bill to be entitled "An act to amend article 1129 of title XXIX, Courts—County, chapter 1, of the Revised Statutes,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

LEWIS, Chairman

Committee Room,

Austin, Texas, Jan 21, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 46, a bill to be entitled "An act to amend article 4900 of the Revised Statutes, concerning sheriffs, etc."

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do not pass.

All of which is respectfully submitted.

LEWIS, Chairman.

Committee Room,

Austin, Texas, Jan 21, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 26, a bill to be enti-

tled "An act to amend article 3501, chapter 2 of title 72 of the Revised Civil Statutes of the State of Texas of 1895, relating to removal of disabilities of minority."

Have had the same under consideration, and I am instructed by a majority of the committee to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

LEWIS, Chairman.

Committee Room,

Austin, Texas, Jan. 22, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 42, a bill to be entitled "An act to amend chapter 3, title 40, of the Revised Civil Statutes of the State of Texas, by adding thereto article 2293a, relating to the deposition of parties,"

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, Jan. 22, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 8, a bill to be entitled "An act to amend article 2526 of the Revised Civil Statutes of Texas, relating to juries in cases of forcible entry and detainer,"

And find the same correctly engrossed.

GOUGH, Chairman.

BILLS AND RESOLUTIONS.

By Senator Colquitt:

Senate bill No. 76, a bill to be entitled "An act granting to the State Orphan Home, situate at Corsicana, Navarro county, Texas, 50,000 acres of land out of the public domain of Texas, and to provide for the carrying out of the provisions of this act."

Read first time and referred to Committee on State Affairs.

By Senator Colquitt:

Senate bill No. 77, a bill to be entitled "An act to amend article 119 of title 9, chapter 1 of the Revised Civil Statutes, relating to the admission of idiots and epileptics to the insane asylums of this State."

Read first time and referred to Committee on State Asylums.

By Senator Ross:

Senate bill No. 78, a bill to be entitled "An act to amend article 736 of chapter 16, title XXI, of the Revised Civil Statutes of the State of Texas of 1895, and to amend article 737 of the said chapter and title, relating to guaranty and fidelity corporations."

Read first time and referred to Judiciary Committee No. 1.

By Senator Neal:

Senate bill No. 79, a bill to be entitled "An act to amend article 2640 of the Revised Civil Statutes of the State of Texas, relating to loaning money of wards by their guardian."

Read first time and referred to Judiciary Committee No. 1.

By Senator Tillett:

Senate bill No. 80, a bill to be entitled "An act defining citations in district, county and justice courts, providing for what they shall contain, how issued and how and by whom served and returned, and providing the manner of issuance of certain notices, and providing for the manner of their service and return, and repealing all laws and parts of laws in conflict therewith."

Read first time and referred to Judiciary Committee No. 1.

By Senator Rogers:

Senate bill No. 81, a bill to be entitled "An act to establish and maintain a Bureau of Labor, and for the appointment of a Commissioner of Labor, and to make an appropriation therefor."

Read first time and referred to Committee on Labor.

By Senator Lewis:

Senate bill No. 82, a bill to be entitled "An act to amend article 256 of the Revised Civil Statutes of Texas, relating to applications for license to practice law."

Read first time and referred to Judiciary Committee No. 1.

By Senator Wayland:

Senate bill No. 83, a bill to be entitled "An act to regulate the compensation of certain State, district and county officers in this State, and to repeal all laws and parts of laws in conflict therewith."

Read first time and referred to Committee on Finance.

By Senator Darwin:

Resolved, that the Sergeant-at-Arms be instructed to furnish officers and clerks of the Senate with postage not to exceed the sum of \$8 each during

the session of the Twenty-fifth Legislature.

Lost.

Call concluded.

BILLS ON THIRD READING.

The Chair laid before the Senate

Senate bill No. 8, a bill to be entitled "An act to amend article 2526, of the Revised Civil Statutes of Texas, relating to juries in cases of forcible entry and detainer."

Bill read third time, and passed.

The Chair laid before the Senate

Senate bill No. 42, a bill to be entitled "An act to amend chapter 3, of title 40, of the Revised Civil Statutes of Texas, by adding thereto article 2293a, relating to the depositions of parties."

Bill read third time, and

On motion of Senator Burns, made special order for Tuesday, January 26, after call.

BILLS ON SECOND READING.

The Chair laid before the Senate

Senate bill No. 14, a bill to be entitled "An act to amend articles 4978, 4983, 4986, 4987, 4990, 4991, 4992, 4993, and 4996 of title CII, chapter 5, Revised Civil Statutes of Texas."

Bill read second time with committee amendments, to-wit:

(a) "Amend by adding to caption the following: Relating to the preventing of the running at large of certain animals in counties and subdivisions thereof."

(b) "Amend article 4992, after stock, in line 22, page 3, and insert, provided, that no person shall be permitted to impound stock of any character where a partial stock law prevails, unless such stock have entered upon the enclosed lands or be found roaming about the residence, lots or cultivated land of another."

Committee amendments adopted on motion of Senator Linn of Wharton.

On request of Senator Colquitt, the bill was considered by articles.

Article 4978 read, to-wit:

"Article 4978. Upon the written petition of fifty freeholders of any county, or upon the petition of twenty freeholders of any subdivision of a county, the county commissioners court of such county shall order an election to be held in said county, or subdivision, on some day named in the order, for the purpose of enabling the freeholders of such county or subdivision to determine whether horses, cattle, jacks, jennets, mules, hogs, sheep or

goats shall be permitted to run at large in such county or subdivision, as in the petition hereinafter provided for is asked."

By Senator Tillett:

Amend by adding after the word "goats," in line 19, the words "or other animals."

Lost.

By Senator Darwin:

Amend article 4978 by striking out of line 18 the words "horses, cattle, jacks, jennets, mules," and add thereto another article, article 4978a, to read as follows: "Upon the written petition of one hundred freeholders of any county, the county commissioners court of such county shall order an election to be held in said county for the purpose of enabling the freeholders of such county to determine whether horses, cattle, jacks, jennets or mules shall be permitted to run at large in such county as in petition hereinafter provided for is asked."

Senator Linn of Wharton moved to table the amendment.

Tabled by the following vote:

Yeas—17.

Boren.	Rogers.
Dibrell.	Ross.
Goss.	Stafford.
Gough.	Stone.
Kerr.	Tillett.
Lewis.	Turney.
Linn of Wharton.	Wayland.
Neal.	Woods.
Presler.	

Nays—7.

Burns.	Morriss.
Colquitt.	Terrell.
Darwin.	Yantis.
Harrison.	

Excused.

Atlee.	Greer.
Bailey.	Linn of Victoria.
Beall.	Yett.

Absent.

Bowser.

By Senator Harrison:

Amend article 4978, line 13, by striking out "fifty" and inserting "one hundred."

Adopted.

By Senator Dibrell:

Amend article 4978, in line 14, by striking out the word "twenty" and insert in lieu thereof "forty."

Adopted.

Article 4983 read, to-wit:

"Article 4983. The order of the county judge shall specify:

"1. The petition, number of signers thereto, and the action of the commissioners court thereon.

"2. The class or classes of animals it is proposed shall not run at large.

"3. Whether the petition is for a partial stock law, or for the prohibition of all classes of stock from running at large.

"4. The territorial limits to be affected.

"5. The day and date of the election.

"6. The place or places at which polls are to be opened.

7. If said petition and order is to affect only a subdivision of the county, the names of the managers of said election."

By Senator Tillett:

Amend by striking out the words "classes of " line 28, article 4983, and insert the word "such."

Adopted.

Senator Goss moved to reconsider the vote by which the above amendment was adapted.

Reconsidered.

Action recurring on the amendment.

Senator Harrison offered to amend as follows: Amend the amendment by inserting after the word "stock," in line 28, the words "as specified in article 4978."

Adopted.

Article 4986 read.

Article 4987 read.

Article 4990 read.

Article 4991 read.

Article 4992 read.

Article 4993 read, to-wit:

"Article 4993. Any owner, lessee or person in lawful possession of lands shall be entitled to the following fees: for impounding stock, to-wit: Twenty cents per day per head for horses, mules, cattle, jacks, or jennets; ten cents per day per head for hogs or goats, and five cents per day per head for sheep. The damages done by such stock, if any, and the fees due to the taker-up of stock, if any, may be assessed by any three disinterested freeholders of the subdivision in which said stock are taken up, who shall, upon the application of the taker-up of the stock, be appointed by the justice of the peace of the precinct in which said stock were taken up. When said justice shall fail or refuse to make such appointment, or when the stock law has been adopted by an entire county, said freeholders shall be appointed by the county judge of the county; said freeholders, after being duly sworn to discharge, with impartiality, the duties devolving upon them by said appointment, shall proceed, after hearing the evidence, to determine whether or not any trespass pro-

hibited by the provisions of this chapter, has been committed, and to ascertain the damages, if any, occasioned thereby, and the fees due to the taker-up of the stock by reason of said trespass, and shall make an assessment of damages and fees, in writing, and signed by said freeholders, or two of them, and verified by the affidavit of said freeholders, to the effect that said assessment is just, and that they have no bias in favor of, nor prejudice against any party interested therein; and shall file said assessment with the justice of the peace, which shall be final; provided, that the owner of the stock, if known, shall have five days notice of the time and place of the meeting of said freeholders; and if the owner is unknown, then a written notice thereof shall be posted in two public places in the said precinct, and one at the door of the court house of the county for five days previous to the day of the meeting of said freeholders; and provided further, that nothing in this chapter shall be construed to deprive the taker-up of the stock from enforcing by suit, in a court of competent jurisdiction, any claim he may have for such fees and damages, and to subject the stock so taken to the payment of the same, under the provisions of this chapter. And the taker-up of such stock in such event shall be entitled to retain possession thereof until the fees and damages, if any, are paid, unless same are replevied."

By Senator Woods:

Strike out in line 22, page 4, article 4993, the word "precinct," and insert "subdivision" in lieu thereof.

Adopted.

By Senator Goss:

Amend article 4993, line 18, by adding after the word "peace," the words "or county judge."

Adopted.

Article 4996 read.

Bill as amended ordered engrossed.

Senator Harrison moved to take a recess until 12 m.

No quorum voting.

HOUSE MESSAGE.

Hall House of Representatives,
Austin, Texas, Jan. 20.

Hon. Geo. T. Jester, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed

Senate bill No. 12, to be entitled "An act making an appropriation to defray

the contingent expenses of the Twenty-fifth Legislature."

With the following amendment:

Amend by striking out "thirty thousand" in section 1, and inserting "twenty thousand;" by the following vote: Ayes 105, nays 3

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

At 12 m. the Chair announced that the hour fixed on yesterday for the Senate to go into executive session had arrived, and the Senate accordingly went into executive session.

AFTER EXECUTIVE SESSION.

In executive session, action on nominations by the Governor was postponed till Friday, January 29th, at 12 m.

On motion of Senator Goss, the Senate adjourned till 10 a. m. to-morrow.

TENTH DAY.

Senate Chamber,
Austin, Tex., Saturday, Jan. 23.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called. Quorum announced present, the following Senators answering to their names:

Boren.	Morriss.
Bowser.	Presler.
Burns.	Ross.
Colquitt.	Terrell.
Darwin.	Tillett.
Goss.	Turney.
Gough.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Lewis.	Yett.

Absent.

Dibrell.	Rogers.
Linn of Wharton.	Safford.
Neal.	Stone.

Excused.

Atlee.	Greer.
Bailey.	Linn of Victoria.
Beall.	

Prayer by Rev. Dr. Smith of Austin.
Pending the reading of the Journal of yesterday,

On motion of Senator Wayland, the same was dispensed with.

On motion of Senator Tillett,

Senator Rogers was excused from attendance upon the Senate for today and Monday, on account of important business.